

CHAPTER 1

A SYSTEM FOR CLASSIFYING MINOR TRAFFIC VIOLATIONS AS NONCRIMINAL TRAFFIC INFRACTIONS

A. RECOMMENDATION

The Judicial Council recommends the enactment of legislation reclassifying minor traffic violations as noncriminal traffic infractions, punishable by a money penalty, license suspension, attendance at a school for traffic violators or any combination thereof. There would be no right to a jury trial or to the appointment of counsel in such cases.

California law now classifies all traffic violations, including violations of statutes and ordinances relating to parking, as crimes or public offenses subject to fine and imprisonment. Under this system almost every motorist in the state at one time or another is technically classified as a criminal and subject to a possible sanction of imprisonment, however trivial the offense. All the time-consuming procedures provided for trial of serious offenses including the right of a trial by jury and to have appointed counsel are applicable to these minor violations although it would appear to be in the public interest to have these cases disposed of more expeditiously and without including deprivation of liberty as one of the penalties.

The classification of a traffic violation as something less than a misdemeanor is not unique and the elimination of jury trials and the right to appointed counsel in such cases raises no substantial constitutional issues and has precedent in other jurisdictions.¹ The effective enforcement of traffic laws does not require that violations be classified and treated as crimes, and the proposed reclassification is not intended to minimize the importance of enforcing such laws. Rather, the proposal is aimed ultimately at developing effective procedures and penalties that are uniquely adapted to the lesser traffic cases and give recognition to the fact that minor traffic violations are not viewed by the public as crimes.²

1. Classification of Motor Vehicle Violations

The category of noncriminal traffic infractions that is proposed in this recommendation would include most violations of the rules of the road including those governing obedience to signs and signals, driving

¹ See Study, *infra*.

² Some question has been raised as to whether the reclassification of traffic offenses as noncriminal infractions would affect the presumption of negligence which may now arise from a violation of the Vehicle Code regulating the operation of motor vehicles. (See Study, *infra* at 56.) The Council by its recommendation does not intend to modify the operation of this presumption, and there would appear to be no reason for a court to hold that the presumption does not apply merely because a violation has been classified as an infraction for which a jail sentence may not be imposed.

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The threat of suspension would also serve to enforce payment of the fine. Upon the failure to pay a fine the court would be authorized to suspend the driving privilege for a period not to exceed one day for every \$2 of the fine. Wilful failure to pay the fine would constitute a separate and serious misdemeanor under an existing provision of law.⁸

The court would be authorized to permit delayed or installment payments of fines but such permission would be made contingent upon the defendant giving his written promise to pay the fine within the time required or to appear in court on the day the fine is due.⁹ A wilful violation of this promise to pay the fine or appear in court would constitute a misdemeanor.

Generally, the rules governing misdemeanor cases would apply to infractions. For example, the provisions of law relating to misdemeanors would govern the jurisdiction of courts, powers of peace officers, burden of proof, statutes of limitation and the periods for bringing cases to trial.¹⁰

Other provisions of the bill would provide that, when a criminal offense and an infraction are joined for trial and a jury trial is demanded, the court may order that the criminal offense be tried by jury and the infraction by the court or the court may order that both be tried by jury. Provision is also made to permit the trier of fact to find the defendant guilty of an infraction which is necessarily included in a criminal offense charged.¹¹

The two major departures from ordinary criminal procedure that are recommended are the elimination of the right to a jury trial and the right to appointed counsel when a traffic infraction is charged. However, the reclassification of these violations as noncriminal matters would make possible future modifications of bail, arraignment and trial procedures to establish a simple and expeditious system for traffic infractions.¹²

3. Jury Trials

It is clear that there is no constitutional requirement that jury trial be provided in minor traffic cases,¹³ and with the proposed elimination of the penalty of imprisonment, the retention of jury trial appears to be unjustified.

The use of jury trials in cases of minor traffic violations that normally result in a penalty of \$25 or less involves an inordinate amount of time and expense, without any commensurate benefits to the public or to the defendant. A recent two-month special survey disclosed that more than 50 percent of all misdemeanor traffic jury trials in the municipal courts are for matters which would fall within the infraction category, and about one-third of all municipal court jury trials, civil and crim-

⁸ Veh. Code § 40508(b). This provision now applies only to violations of Division 11 (Rules of the Road) of the Vehicle Code. Under the Council's proposal it would be made applicable to all infractions.

⁹ Proposed Veh. Code § 43003.

¹⁰ Proposed Veh. Code § 43004.

¹¹ Proposed Veh. Code § 43007.

¹² See Study, *infra* at 46, 53-56. One of the possible modifications is a revision of misdemeanor bail procedures to permit a monetary payment to be made to the clerk. This change would eliminate the procedure whereby bail is posted for forfeiture purposes only rather than to secure the defendant's appearance. (See Model Rules Governing Procedure in Traffic Cases, Rule 1:3-7.) Simplification of arraignment procedures may also be desirable to permit the defendant to plead "not guilty" before the clerk and have his case set for trial.

¹³ See Study, *infra* at 36-40.

inal, are for infractions. Applying the ratios obtained in the special study to statistics collected by the Council from municipal and justice courts for the 1965-66 fiscal year,¹⁴ it may be estimated that about 4,000 jury trials held in the 1965-66 fiscal year were in cases that would be classified as traffic infractions. The average time required to try a jury case of this nature was almost two hours¹⁵ as compared to about 15 minutes per case for a court trial.

	Traffic			All proceedings				
	Total	Infractions	Misdemeanors	Total	Traffic		Other criminal	Civil
					Infractions	Misdemeanors		
Juries sworn.....	834	451	383	1,384	451	383	491	59
Percent of trials.....	100%	54.1%	45.9%	100%	32.6%	27.7%	35.3%	4.3%
Hours of trial.....	3,211	852	2,359	--	--	--	--	--
Percent of hours.....	100%	26.5%	73.5%	--	--	--	--	--
Hours per trial (avg.)--	3.8	1.9	6.2	--	--	--	--	--

* Data on traffic jury trials compiled from special survey of municipal courts. Data on other criminal and civil trials compiled from regular monthly reports from same courts.

These figures do not reflect the full burden that is imposed upon the court system and the public by the application of the right to jury. There are many more jury demands than jury trials. The clerical and judicial processing of such demands, with the later waivers or changes of plea, and the impaneling of jurors that may not be used constitute an undetermined but substantial expense. Moreover, service as a juror is often a considerable burden on the individual citizen. He may well question the need for his services and the rationality of a judicial system that requires them in the trial of cases that normally result in a fine of \$25 or less.

The Council has recommended, therefore, that there be no right to trial by jury in traffic infractions.

4. Right to Counsel

The California Supreme Court has held that the right to counsel extends to all criminal prosecutions including misdemeanors¹⁶ and no defendant charged by the State of California with a crime may be deprived of life or liberty without the aid of counsel, absent a waiver thereof. However, the proposed reclassification of minor traffic violations as noncriminal infractions and the elimination of imprisonment as a sanction remove any constitutional requirement that free counsel be supplied in such cases.

In the absence of any constitutional mandate for extending the right to appointed counsel to traffic infractions, the issue should still be considered as a matter of basic policy. Such a consideration suggests that the reasons for affording the right to appointed counsel in criminal proceedings do not apply when infractions are involved.

¹⁴ The total number of juries sworn in traffic cases in municipal and justice courts during the 1965-66 fiscal year was 7,460.

¹⁵ Jury Trials Held in 58 Municipal Courts August and September 1966.*

¹⁶ See Study, *infra* at 51.

A repeated refrain jeopardy there is a not be imposed upon special Counsel's propos to have counsel appoi that every defendant invidious distinction able to afford counsel defendants charged with one.¹⁸ Insofar as the tions are concerned, tion, not the rule. Th ment of counsel app adequately represent simple factual and counsel may be far to incur. Therefore, are financially able t tion is involved.¹⁹ Th with an infraction v others.

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The Judicial Cov system should be ad simple means of en the effectiveness of judicial time in dis ties of criminal law time for the serious infringing upon th impartial tribunal.

¹⁷ *Id.* at 47-48.

¹⁸ *Id.* at 47.

¹⁹ *California Traffic Law*

²⁰ Proposed Veh. Code § 4

A repeated refrain in many cases is that where a man's liberty is in jeopardy there is a right to counsel.¹⁷ However, imprisonment could not be imposed upon conviction of a traffic infraction under the Judicial Council's proposal. Moreover, the right of an indigent defendant to have counsel appointed at the public's expense is intended to insure that every defendant is tried fairly, and is designed to prevent an invidious distinction between indigents and those defendants who are able to afford counsel. Mr. Justice Black has pointed out that few defendants charged with a crime who can afford an attorney fail to hire one.¹⁸ Insofar as the traffic cases that would be reclassified as infractions are concerned, however, representation by counsel is the exception, not the rule. The disinclination to hire counsel or request appointment of counsel apparently is based on the belief that a layman can adequately represent himself since minor traffic matters usually involve simple factual and legal issues. Furthermore, the cost of engaging counsel may be far greater than the penalties the defendant is likely to incur. Therefore, it is not economically reasonable for persons who are financially able to hire counsel to do so when a minor traffic violation is involved.¹⁹ Thus, to provide free counsel to an indigent charged with an infraction would give such a person an advantage over all others.

Other reasons suggest that the right to counsel in criminal cases should not be applied to traffic infractions. It seems inconsistent with the purpose of providing a simplified and less costly procedure to import into the noncriminal infraction category the procedures necessary to protect the right of every defendant to be represented by an attorney in a criminal case. These procedures are appropriate when a criminal violation is charged or the defendant is subject to imprisonment; they appear inappropriate when applied to a person charged with a minor offense, such as overtime parking, whose liberty is not threatened.

For the foregoing reasons, the Council's recommendation contemplates that the right to counsel in a traffic infraction case shall be the same as the right of a civil litigant. In order, however, to assure that there be no deprivation of liberty without the assistance of counsel except upon proper waiver, special provision is made for advice on the right to counsel and for assignment of counsel when a defendant in a traffic infraction proceeding has been arrested and not released as provided by law.²⁰

The Judicial Council believes that the proposed traffic infraction system should be adopted. It will meet the needs of the public for a simple means of enforcing the rules of the road without decreasing the effectiveness of the state's traffic safety efforts. It will save judicial time in disposing of minor violations without the technicalities of criminal law procedure in such cases and thereby allow more time for the serious offenses. It will accomplish these things without infringing upon the right of a defendant to a fair trial before an impartial tribunal.

¹⁷ *Id.* at 47-48.

¹⁸ *Id.* at 47.

¹⁹ *California Traffic Law Administration* (1960) 12 Stan. L. Rev. 388, 411-12, 436.

²⁰ Proposed Veh. Code § 43006.

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The following bill contains the Council's recommendation:²¹

An act to amend Section 15 of the Penal Code and to add Section 22365 and Division 19 (commencing with Section 43000) to, to amend Sections 1803, 12951, 21714, 23102, 23103, 23109, 23111, 23112, 27003, 27460.5, 27461, 27500, 28501, 28511, 35784, 35790, 40000, 40508, 42001, 42003, and 42004 of, and to repeal Section 42005 of, the Vehicle Code, relating to traffic infractions.

The people of the State of California do enact as follows:

Section 1. Section 15 of the Penal Code is amended to read:

15. A crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it, and to which is annexed, upon conviction, either of the following punishments:

1. Death;
2. Imprisonment;
3. Fine, *except when imposed for a traffic infraction pursuant to Division 19 (commencing with Section 43000) of the Vehicle Code*;
4. Removal from office; or,
5. Disqualification to hold and enjoy any office of honor, trust, or profit in this state.

Sec. 2. Division 19 (commencing with Section 43000) is added to the Vehicle Code, to read:

DIVISION 19. TRAFFIC INFRACTIONS

43000. It is a traffic infraction for any person to violate any of the following provisions of this code, or any ordinance, order, rule or regulation adopted pursuant to such provisions, unless a violation thereof is specifically declared to be a misdemeanor, a felony or punishable by imprisonment:

- (a) Sections 4159, 4160, 4454, 12951 or 14600;
- (b) Any provision of Division 11 (commencing with Section 21000), except Chapters 11 (commencing with Section 22950) and 13 (commencing with Section 23250); or
- (c) Any provision of Division 12 (commencing with Section 24000), Division 15 (commencing with Section 35000) or Division 16 (commencing with Section 36000).

43001. Every person convicted of a traffic infraction for which another penalty is not provided shall for a first conviction thereof be punished by a fine of not more than fifty dollars (\$50) or by a suspension of his driving privilege for a period of not more than 30 days or by both such fine and suspension; for a second conviction within a 12-month period such person shall be punished by a fine of not more than one hundred dollars (\$100) or by suspension of his driving privilege for not more than 60 days, or by both such fine and suspension; upon a third or subsequent conviction within a 12-month period such person shall be punished by a fine of not more than two hundred and fifty dollars (\$250) or by suspension of his driving privilege for not more than 90 days, or by both such fine and suspension. A prior conviction for a traffic infraction or for a violation of the Vehicle Code

²¹ The statutory language submitted here is generally based on Assembly Bill No. 845 of the 1965 General Session of the Legislature.

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designated as a crime shall constitute a conviction for the purpose of making applicable the greater penalties provided by this section for second and subsequent offenses. For the purpose of determining the penalty to be imposed pursuant to this section, the court may consider a report from the Department of Motor Vehicles containing information from its records showing prior convictions; and the report is prima facie evidence of such convictions, if the defendant admits them, regardless of whether or not the complaint commencing the proceedings has alleged prior convictions.

For purposes of this section, a prior bail forfeiture shall be deemed to be a conviction of the offense charged.

43002. In addition to imposing any other punishment authorized by Section 43001, the court may order any person convicted of a traffic infraction to attend a school for traffic violators for instruction in the operation of a motor vehicle consistent with the provisions of this code.

The court may suspend for not more than 90 days the driving privilege of any person who wilfully fails to comply with such an order to attend a school for traffic violators

43003. (a) When a person is sentenced to pay a fine for a traffic infraction the fine shall be payable forthwith, except that the court may grant permission for the payment to be made within a specified period of time or in specified installments. Such permission shall be made contingent upon the person giving his written promise to pay the fine within the time authorized or to appear in court on the date on which the fine or any installment thereof is due.

Any person wilfully violating his written promise to pay the fine or appear in court is guilty of a misdemeanor.

(b) If within the time authorized by the court a person convicted of a traffic infraction fails to pay the fine imposed or any installment thereof, the court may suspend the driving privilege and order the person to surrender his driver's license to the court. Every such order suspending the driving privilege for nonpayment of a fine shall specify the extent of the suspension which shall not exceed one day for every two dollars (\$2) of the fine.

43004. Acts defined by law as traffic infractions and committed on or after January 1, 1968, do not constitute crimes or public offenses. Except as otherwise provided by law, all provisions of law relating to misdemeanors shall apply, including but not limited to powers of peace officers, jurisdiction of courts, periods for commencing action and for bringing a case to trial and burden of proof.

43005. No person charged with a traffic infraction shall be entitled to a trial by jury.

43006. A person charged with a traffic infraction shall not be entitled to have counsel appointed to represent him or to have the public defender represent him, except when he is arrested and not released as provided by law.

43007. (a) When a criminal offense and a traffic infraction have been joined or consolidated for trial and a jury trial is demanded the court may order that the criminal offense be tried by jury and the infraction tried by the court, or that the criminal offense and the infraction be tried by jury.

(b) When a defendant is charged with a criminal offense the jury, or the judge if a jury trial is waived, may find the defendant guilty of any infraction, the commission of which is necessarily included in the offense charged.

Sec. 3. Section 1803 of the Vehicle Code is amended to read:

1803. (a) Every clerk of a court, or judge if there be no clerk, in which a person was convicted for any violation of this code, and of any narcotic offense under Division 10 (commencing with Section 11000) of the Health and Safety Code, and of any violation of any other statute relating to the safe operation of vehicles, shall prepare ~~within 10 days after conviction and immediately~~ forward to the department at its office at Sacramento an abstract of the record of the court covering the case in which the person was so convicted which abstract must be certified by the person so required to prepare the same to be true and correct. *In those cases in which the court has suspended the driving privilege of the person convicted, the abstract shall be forwarded within two court days after the suspension is imposed. All other abstracts shall be forwarded within 10 days after conviction.*

For the purposes of this section, a forfeiture of bail shall be equivalent to a conviction.

(b) Violations of Sections 22500, 22502, 22503, 22508, and 22514 relating to the parking of vehicles, and violations for which a person was cited as a pedestrian or while operating a bicycle, are not required to be reported under (a) above, *unless the court has suspended the driving privilege.*

Sec. 4. Section 12951 of the Vehicle Code is amended to read:

12951. (a) The licensee shall have the license issued to him in his immediate possession at all times when driving a motor vehicle upon a highway.

Any charge under this subdivision shall be dismissed when the person charged produces in court a driver's license duly issued to such person and valid at the time of his arrest, except that upon a third or subsequent charge the court in its discretion may dismiss the charge. When a temporary, interim, or duplicate driver's license is produced in court, the charge shall not be dismissed unless the court has been furnished proof by the Department of Motor Vehicles that such temporary, interim, or duplicate license was issued prior to the arrest, that the driving privilege and license had not been suspended or revoked, and that the person was eligible for such temporary, interim, or duplicate license.

(b) The driver of a motor vehicle shall present his license for examination upon demand of a peace officer enforcing the provisions of this code.

~~(c) Conviction under this section shall be punishable by a fine not exceeding fifty dollars (\$50) or by imprisonment in the county jail not exceeding five days.~~

Sec. 5. Section 21714 of the Vehicle Code is amended to read:

21714. ~~No~~ *It is a misdemeanor for the owner of a publicly or privately owned ambulance shall to permit the operation of such ambulance in emergency service unless either the operator thereof or an attendant on duty therein possesses an Advanced American Red Cross First Aid Certificate or an Advanced First Aid Certificate issued by*

the United States Bureau of Health Services is operated in violation, the Commissioner of Health Services, upon notice and hearing, may order that no ambulance be operated as an authorized emergency vehicle without and regulations to implement such order.

Sec. 6. Section 22365. Violations of

driving at a speed of more than 10 miles per hour over the posted speed or, in any event, more than 10 miles per hour over the speed limit.

Sec. 7. Section 23102. (a) It is a misdemeanor for any person

under the influence of alcohol or any intoxicating substance to drive a motor vehicle upon a highway. Any person convicted of this offense upon a first conviction shall be punished by a fine of not more than 30 days nor more than five hundred fifty dollars or by both such fine and imprisonment in the county jail for a term of not more than one year and by a fine of not more than (\$250) nor more than 30 days under this section shall be punished as provided in this code.

(b) If any person convicted of this offense under this section is granted probation, the person shall be confined in jail for a term of not more than one thousand dollars.

(c) If the person convicted of this offense under this section is granted probation, the vehicle shall be impounded for a term of not less than one day nor more than 30 days.

Sec. 8. Section 23103. Any person

who drives a motor vehicle in a reckless or wanton disregard for the safety of others shall be punished by a fine of not less than five days nor more than twenty-five dollars (\$250) or by both such fine and imprisonment in the county jail for a term of not more than 30 days under this section shall be punished as provided in this code.

Sec. 9. Section 23109. (a) No

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Sec. 6. Section 22365 is added to the Vehicle Code, to read:

22365. Violations of this chapter are traffic infractions except that driving at a speed of 25 miles or more per hour in excess of the lawful speed or, in any event, driving 85 miles or more per hour is a misdemeanor.

Sec. 7. Section 23102 of the Vehicle Code is amended to read:

23102. (a) It is ~~unlawful~~ *a misdemeanor* for any person who is under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle upon any highway. Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than 30 days nor more than six months or by fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) or by both such fine and imprisonment and upon a second or any subsequent conviction, within seven years of a prior conviction, by imprisonment in the county jail for not less than five days nor more than one year and by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000). A conviction under this section shall be deemed a second conviction if the person has previously been convicted of a violation of Section 23101 of this code.

(b) If any person is convicted of a second or subsequent offense under this section within seven years of a prior conviction and is granted probation, it must be a condition of probation that such person be confined in jail for at least five days but not more than one year and pay a fine of at least two hundred fifty dollars (\$250) but not more than one thousand dollars (\$1,000).

(c) If the person convicted under this section is under the age of 21 years and the vehicle used in any such violation is registered to such person, the vehicle may be impounded at the owner's expense for not less than one day nor more than 30 days.

Sec. 8. Section 23103 of the Vehicle Code is amended to read:

23103. Any person who drives any vehicle upon a highway in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving, *which is a misdemeanor*, and upon conviction thereof shall be punished by imprisonment in the county jail for not less than five days nor more than 90 days or by fine of not less than twenty-five dollars (\$25) nor more than two hundred fifty dollars (\$250) or by both such fine and imprisonment, except as provided in Section 23104.

Sec. 9. Section 23109 of the Vehicle Code is amended to read:

23109. (a) ~~No~~ *It is a misdemeanor for any person shall to* engage in any motor vehicle speed contest or exhibition of speed on a

highway and no person shall aid or abet in any motor vehicle speed contest or exhibition on any highway.

(b) ~~No~~ *It is a misdemeanor for any person, shall* for the purpose of facilitating or aiding or as an incident to any motor vehicle speed contest upon a highway, *to* in any manner obstruct or place any barricade or obstruction or assist or participate in placing any barricade or obstruction upon any highway.

(c) Any person who violates this section shall upon conviction thereof be punished by imprisonment in the county jail for not more than 90 days or by fine of not more than two hundred fifty dollars (\$250) or by both such fine and imprisonment.

Sec. 10. Section 23111 of the Vehicle Code is amended to read:

23111. Outside of a business or residence district no person in any vehicle and no pedestrian shall willfully or negligently throw or discharge from or upon any road or highway or adjoining area, public or private, any lighted cigarette, cigar, ashes, or any other flaming or glowing substance. *Any violation of the provisions of this section is a misdemeanor.* This section shall be known as the Paul Buzzo Act.

Sec. 11. Section 23112 of the Vehicle Code is amended to read:

23112. (a) No person shall throw or deposit, nor shall the registered owner or the driver, if such owner is not then present in the vehicle, aid or abet in the throwing or depositing upon any highway any bottle, can, garbage, glass, nail, offal, paper, wire, any substance likely to injure or damage traffic using the highway, or any noisome, nauseous or offensive matter of any kind.

(b) No person shall place, deposit or dump, or cause to be placed, deposited or dumped, any rocks or dirt in or upon any highway, including any portion of the right-of-way thereof, without the consent of the state or local agency having jurisdiction over the highway.

(c) *Any violation of the provisions of this section is a misdemeanor.*

Sec. 12. Section 27003 of the Vehicle Code is amended to read:

27003. An armored car may be equipped with a siren which may be used while resisting armed robbery. At all other times, the siren shall not be sounded. The authority to use a siren granted by this section does not constitute an armored car an authorized emergency vehicle, and all other provisions of this code applicable to drivers of vehicles apply to drivers of armored cars. *Any violation of the provisions of this section is a misdemeanor.*

Sec. 13. Section 27460.5 of the Vehicle Code is amended to read:

27460.5. ~~No~~ *It is a misdemeanor for any person shall* knowingly to sell or offer or expose for sale any motor vehicle tire except a commercial vehicle tire, or any motor vehicle equipped with any tire except a commercial vehicle tire, which has been recut or regrooved. For purposes of this section a recut or regrooved tire is an unretreaded or unrecapped tire into which new grooves have been cut or burned.

Sec. 14. Section 27461 of the Vehicle Code is amended to read:

27461. ~~No~~ *It is a misdemeanor for any person shall* to cause or permit the operation of an ~~no~~ *for any driver shall* knowingly to operate any motor vehicle except a commercial vehicle, on any street or highway, which is equipped with one or more recut or regrooved tires. For purposes of this section a recut or regrooved tire

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Sec. 15. Section 27500 of the Vehicle Code is amended to read:

27500. (a) The department shall adopt regulations relating to standards and certification procedure for new tires of the passenger vehicle type as it determines necessary to provide for public safety.

(b) In adopting these regulations, the department shall consider as evidence of generally accepted standards, the rules and regulations which have been adopted by the Vehicle Equipment Safety Commission.

(c) In adopting these regulations, the department shall consider carcass strength, size and load capacity, performance and mounting characteristics.

(d) ~~No~~ *It is a misdemeanor for any person shall to sell or offer for sale any new tire of the passenger vehicle type that is not in compliance with such regulations. This subdivision shall become operative six months after the date upon which the regulations adopted become effective.*

(e) This section shall have no application to motorcycles or house cars.

Sec. 16. Section 28501 of the Vehicle Code is amended to read:

28501. ~~No~~ *It is a misdemeanor for any person shall to operate a station unless a license therefor has first been issued by the department.*

Sec. 17. Section 28511 of the Vehicle Code is amended to read:

28511. It is ~~unlawful~~ *a misdemeanor for any person, other than a licensed station, to issue a certificate of compliance required by this chapter.*

Sec. 18. Section 35784 of the Vehicle Code is amended to read:

35784. It is a ~~misdemeanor~~ *traffic infraction for any person to violate any of the terms or conditions of any such special permit, except that in an incorporated city where compliance with the route described in the permit would result in a violation of local traffic regulations the permittee may detour from the prescribed route to avoid such violation provided that the permittee returns as soon as possible to the prescribed route. A detour under this section shall be made on only nonresidential streets.*

Sec. 19. Section 35790 of the Vehicle Code is amended to read:

35790. (a) The Department of Public Works or local authorities with respect to highways under their respective jurisdictions may upon application in writing and if good cause appears issue a special or annual permit in writing authorizing the applicant to move any trailer coach in excess of the maximum width but not exceeding 10 feet in width, exclusive of lights and devices provided for in Sections 35112, 35109, and 35110, upon any highway under the jurisdiction of the party granting such permit.

(b) A public agency in the exercise of its discretion in granting permits for the movement of overwidth trailer coaches, and in considering the individual circumstances of each case, may use merchandising or relocation of residence as a basis for movement for good cause.

(c) The application for a special permit shall specifically describe the trailer coach to be moved and the particular highways over which

the permit to operate is requested, and whether the permit is requested for a single trip or for continuous operation.

The application for an annual permit shall specifically describe the power unit to be used to tow the overwidth trailers and the particular highways over which the permit to operate is requested. The annual permit shall be subject to all of the conditions of this section and any additional conditions imposed by the public agency.

(d) The Department of Public Works or local authority is authorized to establish seasonal or other time limitations within which a trailer coach may be moved on the highways indicated, and may require an undertaking or other security as may be deemed necessary to protect the highways and bridges from injury or to provide indemnity for any injury resulting from the operation.

(e) Permits for the movement of trailer coaches as provided for in this section may not be issued except to licensed manufacturers, dealers and transporters and only under the following conditions:

1. The power unit used to tow overwidth trailers having a gross weight of 18,000 pounds or less must be a three-quarter-ton truck or tractor, or a truck or tractor of greater power, equipped with dual wheels. The power unit used to tow an overwidth trailer having a gross weight of more than 18,000 pounds must be a ton-and-one-half truck or tractor or truck or tractor of greater power, equipped with dual wheels.

2. The trailer coach for which the permit is issued shall comply with the provisions of Sections 35550 and 35551 of this code.

3. A permit which has been issued for the movement of any trailer coach shall not be valid between sunset and sunrise of the following day, nor between sunset on Friday to sunrise on Monday following, nor on any days declared to be legal holidays by the State.

(f) The Department of Public Works or local authority shall have the authority to establish additional reasonable permit regulations as they may deem necessary in the interest of public safety, which regulations shall be consistent with this section.

(g) Every permit shall be carried in the trailer coach or power unit to which it refers and shall be open to inspection of any peace officer or traffic officer, any authorized agent of the Department of Public Works or any other officer or employee charged with the care and protection of the highways.

~~(h) It is a misdemeanor for any person to violate any of the terms or conditions of any such permit.~~

~~(i)~~

(h) To the extent that the application of this section to highways which are a part of the National System of Interstate and Defense Highways (as referred to in subdivision (a) of Section 108 of the Federal-aid Highway Act of 1956) would cause this State to be deprived of any federal funds for highway purposes, this section to such extent shall not be applicable to highways which are a part of such system.

Sec. 20. Section 40000 of the Vehicle Code is amended to read:

40000. (a) It is unlawful and constitutes a misdemeanor for any person to violate, or to fail to comply with, any provision of this code, unless the violation is under the provisions of this code expressly

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(b) The period for having filed or caused or counterfeit document Department of the a misdemeanor, expires

(c) The period for having filed or caused or counterfeit document the Department of is a felony, expires

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Sec. 21. Section 40508. (a) Any

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Sec. 22. Section 42001. Every p

Division 10 (commencing with Section 22950) and Section 21461 as it applies with Section 29000

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declared to be a felony or a public offense which is punishable either as a felony or misdemeanor, *or unless the violation is a traffic infraction as defined by Section 43000.*

(b) The period for commencing criminal action against any person having filed or caused to be filed any false, fictitious, altered, forged or counterfeit document with the Department of Motor Vehicles or the Department of the California Highway Patrol shall, if the offense is a misdemeanor, expire one year from time of discovery of such act.

(c) The period for commencing criminal action against any person having filed or caused to be filed any false, fictitious, altered, forged or counterfeit document with the Department of Motor Vehicles or the Department of the California Highway Patrol shall, if the offense is a felony, expire three years from time of discovery of such act.

(d) The time allowed for commencing criminal proceedings as provided in paragraphs (b) and (c) of this section shall not extend beyond five years from the date of commission of the act.

Sec. 21. Section 40508 of the Vehicle Code is amended to read:

40508. (a) Any person willfully violating his written promise to appear in court or before a person authorized to receive a deposit of bail is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

(b) Any person willfully failing to pay a lawfully imposed fine for a *criminal* violation of any provision of Division 11 (commencing with Section 21000) of this code *or for a traffic infraction* within the time authorized by the court is guilty of a misdemeanor regardless of the full payment of the fine after such time.

Sec. 22. Section 42001 of the Vehicle Code is amended to read:

42001. Every person convicted of a misdemeanor for a violation of Division 10 (commencing with Section 20000), ~~Division 11 (commencing with Section 21000)~~, ~~except Chapters 11 (commencing with Section 22950) and 13 (commencing with Section 23250) and except Section 21461 as it applies to vehicular crossings, and Section 25264, Division 12 (commencing with Section 24000)~~, Division 13 (commencing with Section 29000), and Division 15 (commencing with Section 35000) and Sections 2800, 2801, 2802, 2803, 2804 insofar as they affect failure to stop and submit to inspection of equipment or for an unsafe condition endangering any person, 2806, 2809, ~~and 2812, 21714, 23110, 23111, 23112, 27003, 27460.5, 27461, 27500, 28501 and 28511~~, except where a different penalty is expressly provided in said provisions, shall be punished upon a first conviction by a fine not exceeding fifty dollars (\$50) or by imprisonment in the county jail for not exceeding five days and for a second conviction within a period of one year by a fine of not exceeding one hundred dollars (\$100) or by imprisonment in the county jail for not exceeding 10 days, or by both such fine and imprisonment and for a third or any subsequent conviction within a period of one year by a fine of not exceeding five hundred dollars (\$500) or by imprisonment in the county jail for not exceeding six months or by both such fine and imprisonment. For the purpose of determining the penalty to be imposed pursuant to this section, the court may consider a ~~teletype communication~~ report from the Department of Motor Vehicles containing information from its records showing prior convictions; and the ~~communication~~ report is prima facie evidence of

such convictions, if the defendant admits them, regardless of whether or not the complaint commencing the proceedings has alleged prior convictions.

In addition to imposing any other punishment authorized by this section, the court may ~~require order~~ any person convicted of a misdemeanor described in this section involving a traffic violation to attend a ~~traffic violators' school for traffic violators for not more than 12 hours~~ for instruction in the operation of a motor vehicle consistent with the provisions of this code.

The court may suspend for not more than 90 days the driving privilege of any person who willfully fails to comply with such an order to attend a school for traffic violators.

For the purposes of this section, a prior bail forfeiture shall be deemed to be a conviction of the offense charged.

Sec. 23. Section 42003 of the Vehicle Code is amended to read:

42003. A judgment that a person convicted of any *felony or misdemeanor* violation of this code be punished by a fine may also order, adjudge and decree that the person be imprisoned until the fine is satisfied. In every such case, the judgment shall specify the extent of the imprisonment which shall not exceed one day for every five dollars (\$5) of the fine, nor extend in any such case beyond the term for which the defendant might be sentenced to imprisonment for the offense of which he was convicted.

Sec. 24. Section 42004 of the Vehicle Code is amended to read:

42004. Any driver or operator of a trolley coach is guilty of a *traffic infraction*, a misdemeanor, or a felony if ~~the particular section so provides, as provided by provisions of this code applicable to the particular section~~, upon the violation of any of those sections enumerated in subdivision (c) of Section 21051.

Sec. 25. Section 42005 of the Vehicle Code is repealed.

42005. ~~Every person convicted of a violation of Sections 21709, 21950 or 21951 shall be punished by a fine of not exceeding fifty dollars (\$50) or by imprisonment in the county jail for not exceeding five days, except that such a violation proximately causing bodily injury to the pedestrian shall be punished as a misdemeanor.~~

Sec. 26. The provisions of this act shall become operative on January 1, 1968.

LIST OF VEHICLE COI

4159	Notice of Change
4160	Change of Address
4454	Display of Regis
12951	Possession of Lic
14600	Notice of Change
21106	Establishment of
21113	Public Grounds
21201	Equipment Requ
21202	Keep to Right
21203	Hitching Rides
21204	Riding on Bicycl
21205	Carrying Article
21370	Regulation of Th
	struction Zone
21406	Contractor's Wa
21451	Green or "Go"
21452	Yellow or "Caut
21453	Red or "Stop"
21454	Green Arrow
21455	Streetcar at Red
	Signal
21456	Walk, Wait, or
21457	Flashing Signal
21460	Double Lines
21460.5	Two-way Turnin
21461	Obedience to Off
	Control Devices
21462	Obedience to Tr
	Signals
21463	Illegal Operatio
21464	Interference Wi
	Devices
21465	Unauthorized T
21466	Unlawful Displ
21650	Right Side of R
21651	Divided Highwa
21652	Entrance to Pul
	From Service R
21653	One-way Traffic
21654	Slow-moving Ve
21655	Designated Lan
21656	Turning Out of
	moving Vehicles
21657	Offcenter Lanes
21658	Laned Roadway
21659	Three-laned Hig
21660	Approaching V
21661	Narrow Roadwa
21662	Mountain Drivi
21663	Driving on Side
21664	On-Ramp Exit
21700	Obstruction to
21701	Interference Wi
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21703	Following Too
21704	Distance Betwe

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APPENDIX

LIST OF VEHICLE CODE VIOLATIONS TO BE CLASSIFIED AS INFRACTIONS

4159	Notice of Change of Address	21705	Caravans
4160	Change of Address on Card	21706	Following Emergency Vehicles
4454	Display of Registration Card	21707	Fire Areas
12951	Possession of License	21708	Fire Hoses
14600	Notice of Change of Address	21709	Safety Zones
21106	Establishment of Crosswalks	21710	Coasting Prohibited
21113	Public Grounds	21711	Towed Vehicles Swerving
21201	Equipment Requirements	21712	Unlawful Riding
21202	Keep to Right	21715	Passenger Vehicle Combina- tions
21203	Hitching Rides	21750	Overtake and Pass to Left
21204	Riding on Bicycles	21751	Passing Without Sufficient Clearance
21205	Carrying Articles	21752	When Driving on Left Prohibited
21370	Regulation of Traffic: Con- struction Zone	21753	Yielding for Passing
21406	Contractor's Warning Devices	21754	Passing on the Right
21451	Green or "Go"	21755	Pass on Right Safely
21452	Yellow or "Caution"	21756	Passing Standing Streetcar, Trolley Coach, or Bus
21453	Red or "Stop"	21757	Passing Streetcar on Left
21454	Green Arrow	21758	Passing on Grades
21455	Streetcar at Red or Stop Signal	21759	Caution in Passing Animals
21456	Walk, Wait, or Don't Walk	21800	Uncontrolled Intersection
21457	Flashing Signals	21801	Left Turn at Intersectoin
21460	Double Lines	21802	Entrance of Through Highway
21460.5	Two-way Turning Lanes	21803	Yield Right-of-way
21461	Obedience to Official Traffic Control Devices	21804	Private Road or Driveway
21462	Obedience to Traffic Control Signals	21805	Equestrian Crossings
21463	Illegal Operation of Signals	21806	Authorized Emergency Vehicles
21464	Interference With Traffic Devices	21950	Right-of-way at Crosswalks
21465	Unauthorized Traffic Devices	21951	Vehicles Stopped for Pedes- trians
21466	Unlawful Display of Light	21952	Right-of-way on Sidewalk
21650	Right Side of Roadway	21953	Tunnel or Overhead Crossing
21651	Divided Highways	21954	Pedestrians Outside Crosswalks
21652	Entrance to Public Highway From Service Road	21955	Crossing Between Controlled Intersections
21653	One-way Traffic	21956	Pedestrian on Roadway
21654	Slow-moving Vehicles	21957	Hitchhiking
21655	Designated Lanes	21958	Intoxicated Pedestrian
21656	Turning Out of Slow- moving Vehicles	21959	Skiing or Tobogganning
21657	Offcenter Lanes	22100	Turning at Intersections
21658	Laned Roadways	22101	Markings or Signs for Turning
21659	Three-laned Highways	22102	Turning in Business District
21660	Approaching Vehicles	22103	Turning in Residence District
21661	Narrow Roadways	22104	Turning Near Fire Stations
21662	Mountain Driving	22105	Turning on Curve or Crest of Grade
21663	Driving on Sidewalk	22106	Starting Parked Vehicles or Backing
21664	On-Ramp Exit	22107	Turning Movements and Required Signals
21700	Obstruction to Driving	22108	Duration of Signal
21701	Interference With Driver or Mechanism	22109	Signal When Stopping
21703	Following Too Closely	22110	Method of Signaling
21704	Distance Between Trucks		